

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION**

**FRED BECK; ET AL.,**

**PLAINTIFFS,**

**VS.**

**CIVIL ACTION NO. 3:03CV60-P-D**

**KOPPERS, INC., f/k/a KOPPERS INDUSTRIES, INC.;  
ET AL.,**

**DEFENDANTS.**

**CONSOLIDATED WITH**

**HOPE ELLIS, ET AL.,**

**PLAINTIFFS,**

**VS.**

**CIVIL ACTION NO. 3:04CV160-P-D**

**KOPPERS, INC., f/k/a KOPPERS INDUSTRIES, INC.;  
ET AL.,**

**DEFENDANTS.**

**ORDER**

This matter comes before the court upon Plaintiff Kenesha Barnes's Motion for Evidentiary Inference Based Upon Spoilation of Evidence [507-1]. Upon due consideration of the motion and the responses filed thereto, the court finds the following, to-wit:

Given that the plaintiff has cited no evidence or authorities in the instant motion to support her allegation that the defendants deliberately failed to produce documents relating to the Grenada facility's boiler and spray field, the court concludes that there is no merit to the instant motion.

**IT IS THEREFORE ORDERED AND ADJUDGED** that Plaintiff Kenesha Barnes's Motion for Evidentiary Inference Based Upon Spoilation of Evidence [507-1] is **DENIED**.

**SO ORDERED** this the 2<sup>nd</sup> day of February, A.D., 2006.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE